THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15597 of 2007

Dated: 23-07-2007

Between:

Sarakaram Krishna Murthy.

..... PETITIONER

AND

The Mandal Revenue Officer, Elamanchili, Visakhapatnam.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15597 of 2007

ORDER:

The petitioner is allegedly owner of land admeasuring Ac.0.76 in survey No.403/6 (old survey No.325/4) situated at Elamanchili Village & Town, Visakhapatnam. He approached the respondent, namely, the Mandal Revenue Officer, requesting to issue pattadar passbook(PPB)/title deed(TD) jointly in the name of his three married daughters, namely, Atakamsetti Satyavathi, W/o late Appa Rao, Kandregula Anjamma, W/o Ramachandra Prabhu and Pentathota Subbalaxmi, W/o Appalanaidu. The petitioner states that the land in question was purchased by Appayyamma - grandmother of his daughters and therefore, he wanted to give it to his daughters. Alleging that the application made by the petitioner is not being enquired into and PPB is not issued, he filed instant writ petition.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue, this Court is of the considered opinion that the writ petition is misconceived. As per Section 4 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity), a person claiming any right by succession, survivorship, inheritance, partition or a decree of a Court can make an application to MRO seeking necessary changes in the record of rights. On receipt of such application, MRO is authorized to take necessary action as per Section 5 of the Act and Rules 18 to 21 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 (the Rules, for brevity). Except stating that the land was acquired by late Appayyamma - grandmother of his daughters, the petitioner nowhere states that he has executed any gift deeds in their favour. In such an event, Section 4 of the Act has no application as the alleged conferment of right, title and interest on the daughters of the petitioner is not legally recognized. If so advised, the petitioner may execute either relinquishment deed in favour of his three daughters jointly or execute gift deeds in their favour and then they (daughters) can approach MRO under Sections 4 and 5 of the Act read with Rules 18 to 21 of the Rules.

The writ petition is misconceived and with the above observations, the same is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

23rd July, 2007

ghn